1 KAMALA D. HARRIS Attorney General of California 2 JANICE K. LACHMAN Supervising Deputy Attorney General 3 LESLIE A. BURGERMYER Deputy Attorney General 4 State Bar No. 117576 1300 I Street, Suite 125 5 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 324-5337 Facsimile: (916) 327-8643 6 7 Attorneys for Complainant 8 BEFORE THE **BOARD OF REGISTERED NURSING** 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 11 Case No. 2013 -557 In the Matter of the Accusation Against: 12 CONNIE LEE MARKEL ACCUSATION 2117 Tennyson Drive 13 Flower Mound, TX 75028 14 Registered Nurse License No. 790460 15 Respondent. 16 17 Complainant alleges: 18 **PARTIES** 19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her 20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), 21 Department of Consumer Affairs. 22 On or about January 28, 2011, the Board issued Registered Nurse License Number 23 790460 ("license") to Connie Lee Markel ("Respondent"). On or about October 10, 2011, 24 Respondent's license was inactivated. Respondent's license will expire on September 30, 2014, 25 unless renewed. 26 /// 27 /// 28 ///

Accusation

STATUTORY PROVISIONS

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

. . .

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action . . .

COST RECOVERY

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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CAUSE FOR DISCIPLINE

(Disciplinary Action by the Texas Board of Nursing)

7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that, on or about October 27, 2011, she was disciplined by the Texas Board of Nursing ("Texas Board") in the matter titled In the Matter of Registered Nurse License Number 705784 and Vocational Nurse License Number 186227 issued to Connie Lee Markel, pursuant to the Agreed Order of the Texas Board. The Agreed Order ordered Respondent shall receive the sanction of a Warning with Stipulations. A true and correct copy of the Agreed Order is attached hereto, marked Exhibit A, and incorporated herein. Said Agreed Order is based upon conclusions of law that Respondent had violated Texas Occupations Code, section 301.452, subdivisions (b)(10) and (b)(13), and Texas Administrative Code, Title 22, sections 217.11, subdivision (1)(D) and 217.12, subdivisions (1)(A) and (6)(A).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 790460, issued to Connie Lee Markel;
- 2. Ordering Connie Lee Markel to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - Taking such other and further action as deemed necessary and proper.

DATED: JANUARY 17, 2013

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California Complainant

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